

JOHN M. KIM (Bar No. 188997)
IP LEGAL ADVISORS, P.C.
1940 Garnet Avenue, Suite 230
San Diego, CA 92109
Tel: (858) 272-0220
Fax: (858) 272-0221

Attorney for Defendant
HD INSTALL SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BRANDON WALSH dba SO CAL
INSTALLS

Plaintiff,

v.

HD INSTALL SOLUTIONS, INC., a
California corporation; SO CAL INSTALL;
ENRIQUE E. SANTOYO, as in individual;
BRYAN AYLWARD, as an individual and
DOES 1-20 inclusive,

Defendant.

Case No. 3:07-cv-2145

**JOINT DISCOVERY PLAN PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 26(f)**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel for the parties, Todd Atkins for Plaintiff BRANDON WALSH dba SO CAL INSTALLS("Plaintiff") and John M. Kim for Defendant HD INSTALL SOLUTIONS, INC. ("Defendant") conferred on January 31, 2008 regarding a discovery plan in this matter. Counsel discussed the nature and basis of their respective claims and defenses and the possibility of settlement. Counsel propose the following discovery plan:

1. **Initial Disclosures.** The parties will provide each other with the initial disclosures of documents and percipient witnesses required by Rule 26(a)(1) of the Federal Rules of Civil Procedure by no later than February 20, 2008.

////

1 2. **Cut-off Date to Amend Pleadings.** The parties propose that the last day to join
2 other parties or to amend the pleadings be August 14, 2008.

3 3. **Cut-off Date to File Dispositive Motions.** The parties propose that dispositive
4 motions may be filed at any time, but no later than December 17, 2008.

5 4. **Discovery Plan.**

6 a. Discovery will be needed on a number of subjects, including but not limited to
7 the following subjects:

- 8 i. Geographic scope of use in the United States by the parties
9 of their respective marks and the dates of first use of such
10 marks;
- 11 ii. Revenues generated by the parties for all goods/services sold
12 in connection with their respective marks;
- 13 iii. Selection and adoption by the parties of their respective
14 marks;
- 15 iv. Advertising/marketing by the parties of their respective
16 marks, including advertising/marketing expenses;
- 17 v. Actual confusion experienced by both parties, if any;
- 18 vi. Expert evaluations of liability and damages.

19 b. Timing of Discovery.

- 20 i. The parties propose that the fact discovery cut-off shall be
21 October 9, 2008.
- 22 ii. The parties propose that initial expert disclosures and any
23 required reports be served on or before November 10, 2008.
24 The initial expert disclosures will address all liability and
25 damages issues for which that party bears the initial burden
26 of proof. Responding expert disclosures and any required
27 reports will be served on or before December 10, 2008.
28 Expert witness discovery will be concluded on or before

January 8, 2009.

iii. The parties propose that the final lists of witnesses and exhibits under Rule 26(a)(3) be due from Plaintiff and Defendant by March 19, 2009 and the parties should have 14 days after service of final lists of witnesses and exhibits to list objections.

iv. The parties request a pretrial conference in May 2009.

v. The case should be ready for trial by June 10, 2009 and at this time is expected to take approximately 5-6 days plus jury selection time.

c. Discovery Limitations. The parties propose that the discovery limitations set forth in the Federal Rules of Civil Procedure shall apply to depositions and written discovery. The parties anticipate that most of the depositions shall be limited in time as set forth by the Federal Rules of Civil Procedure; however, certain individuals (e.g. experts) may require more deposition time. Therefore the parties agree to consider requests for additional time when requested.

The parties further agree that a protective order be in place for the treatment of confidential information. The parties will draft a proposed order and provide it to the Court for approval.

Settlement is likely to be enhanced by the use of the following alternative dispute resolution procedure: Mediation or Settlement Conference.


Dated: February 15, 2008

IP LEGAL ADVISORS, P.C.

By: 

JOHN M. KIM
Attorney for Defendant
HD INSTALL SOLUTIONS, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By 
TODD ATKINS
Attorney for Plaintiff
BRANDON WALSH dba SO CAL INSTALLS

PROOF OF SERVICE

I am employed in the County of San Diego, State of California I am over the age of eighteen and not a party to the within action. My business address is 1940 Garnet Avenue, Suite 230, San Diego, California 92109.

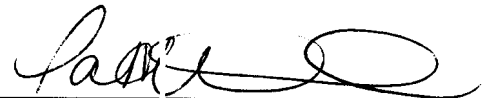
I hereby certify that on February 15, 2008, I electronically filed the following **JOINT DISCOVERY PLAN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(f)** with the Clerk of the Court using the ECF system which will send notification of such filing to the following parties:

Todd Atkins, Esq.
Atkins & Davidson
450 B Street, Suite 1430
San Diego, California 92101

Attorneys for Plaintiff
Brandon Walsh dba SO CAL INSTALLS

☐ (Federal): I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED ON February 15, 2008 at San Diego, California



Patti Windham